

**BOARD OF ENVIRONMENTAL REVIEW
AGENDA ITEM
EXECUTIVE SUMMARY
For
Total Maximum Daily Load Program Update**

AGENDA # II.B.1

AGENDA ITEM SUMMARY

The department has completed a re-tooling of the TMDL program to increase the pace of TMDL development. The attached chart reflects the rate of plan development over the early years of the program, the present pace, and the rate necessary to complete necessary TMDLs by the legislative deadline of 2012. The attached table lists the TMDL Planning areas, and individual TMDLs in parenthesis, scheduled for completion over the next several years.

The parties to TMDL litigation have filed a settlement agreement and consent decree with the federal district court, which will settle those cases if approved by the court. Finally, the department will respond to the recent letter to the board from the Tongue River Water Users, and other, concerning the development of TMDLs on the Tongue River.

LIST OF AFFECTED RULES

N/A

AFFECTED PARTIES SUMMARY

Affected parties include all persons interested in the conduct of Montana's TMDL program.

SCOPE OF PROPOSED PROCEEDING

Department staff will discuss the pace of TMDL development, the potential settlement of legal issues, and the department's approach to TMDL development on the Tongue River.

HEARING INFORMATION

None,

BOARD OPTIONS

No Board actions are required on this agenda item.

DEQ RECOMMENDATION

None at this time.

ENCLOSURES

HISTORIC AND PROJECTED RATE OF TMDL COMPLETION, CURRENT DEQ AND EPA TMDL PLANNING EFFORTS.